

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

ROBERT LYON DONAHUE JR.,)
)
Plaintiff,)
)
v.) Case No. CIV-21-00183-PRW
)
RANDY HARDING,)
)
Defendant.)

ORDER

Plaintiff, Robert Lyon Donahue Jr., seeks a writ of habeas corpus under 28 U.S.C. § 2254. Defendant filed a Motion to Dismiss and brief in support, arguing Plaintiff's Petition is time-barred (Dkts. 9, 10). On September 15, 2021, United States Magistrate Judge Amanda Maxfield Green issued a Report and Recommendation (Dkt. 12) recommending Plaintiff's action be dismissed with prejudice. Plaintiff was advised that he had a right to object to the Report and Recommendation by no later than October 6, 2021.

To date, Plaintiff has filed no objections. Having failed to object, Plaintiff has waived his right to appellate review of the factual and legal issues addressed in the Report and Recommendation (Dkt. 12).¹

¹ *United States v. One Parcel of Real Prop.*, 73 F.3d 1057, 1059–60 (10th Cir. 1996); *Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991); cf. 28 U.S.C. § 636(b)(1) (requiring a district judge to “make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made” but otherwise permitting a district judge to review the report and recommendations under any standard it deems appropriate).

Upon review of the Report and Recommendation (Dkt. 12), the Court:

- (1) **ADOPTS** in full the Report and Recommendation (Dkt. 12) issued by the Magistrate Judge on September 15, 2021; and
- (2) **DISMISSES WITH PREJUDICE** Plaintiff's Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2254 (Dkt. 1).

IT IS SO ORDERED this 8th day of October 2021.



PATRICK R. WYRICK
UNITED STATES DISTRICT JUDGE